

Agenda Item No. 4.1  
For Agenda of 5/9/06



### *Tigard City Council Meeting Minutes*

Date: March 28, 2006  
Time: 6:30 p.m.  
Place: Tigard City Hall, 13125 SW Hall Boulevard  
Tigard, Oregon  
Attending: Mayor Craig Dirksen Presiding  
Councilor Sally Harding  
Councilor Sydney Sherwood  
Councilor Tom Woodruff  
Absent: Councilor Wilson

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	<p>&gt; Police Holding Facility Tour and Audit</p> <p>The Mayor and Council toured and inspected the Police Department temporary holding facility as recommended during a recent audit by the State Department of corrections. The State inspection report is on file in the City Recorder's office.</p> <p>&gt; Review of Fiscal Year 2006-07 Community Event Funding Requests</p> <p>Staff presenter: Finance Director Sesnon.</p> <p>City Council reviewed the applications for Community Event Grants, which are on file in the City Recorder's office.</p> <p>According to the funding policy of the Budget Committee set in prior years, \$49,400 is available for these requests. The applications received total \$48,400.</p> <p>Council members discussed the application grants. Below are key points of the discussion:</p> <ul style="list-style-type: none"><li>♦ There was discussion about concerns regarding the Balloon Festival which is now charging the Caring Community \$2500 for tent rental in addition to a surcharge to those</li></ul>	

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	<p>attending the fundraising event. Council consensus was to ask event organizer Dave Nicoli, to attend an upcoming Council meeting to discuss the Festival's budget and charges for the event. There was brief discussion about the amount of the City's contribution including the in-kind support from the Police and Public Works Departments.</p> <p>The Balloon Festival is one of the city-sponsored events for which there is a sponsorship agreement. In order to change City funding, the agreement states that one year's notice must be given.</p> <ul style="list-style-type: none"> <li>◆ 4<sup>th</sup> of July – This is a free family event.</li> <li>◆ Tualatin Riverkeepers – During discussion, it was noted that this organization has filed legal actions against the City. It was agreed that such activity should be reviewed and a report given to the Budget Committee before final funding commitment of the grant requested. Staff was also requested to find out what other jurisdictions are contributing to the Riverkeepers.</li> <li>◆ The Chamber of Commerce requested funds for a Leadership Institute. The understanding was that this Institute would augment the City's program. More information about how much the Chamber would charge participants was requested by the City Council to be included as part of the presentation information for the Budget Committee.</li> </ul> <p>&gt; Regulation of Payday Lending Businesses</p> <p>Staff presenter: Finance Director Sesnon</p> <p>Mayor Dirksen requested that staff research and bring forward for City Council discussion possible regulations for payday lending businesses within the City of Tigard. The staff report to the City Council outlined the activity of these lending businesses, the inaction at the</p>	

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	<p>state level to adopt regulations, and how some municipalities have enacted ordinances to regulate these businesses within their jurisdictions. The City of Portland, which enacted an ordinance to regulate this type of business, has been sued by one of the businesses affected. After discussion, City Council consensus was for staff to monitor what the result is in other jurisdictions with regard to legal challenges. City Attorney Firestone advised it is likely there will be a trial court decision within the next year.</p> <p>&gt; Discuss Action to Terminate the Urban Services Intergovernmental Agreement with Washington County. (See agenda Item No. 9). Staff will advise Council on the background of the Urban Services Agreement and why a change is now being recommended.</p> <p>&gt; City Attorney Firestone noted that if public comment is offered on a possible application for a Wal-Mart store at a Tigard location, Council members will need to declare any information they hear as an ex parte contact if this matter should, in the future, come before the Council during a land use hearing. City Manager Prosser advised that there has been speculation about a Wal-Mart store locating in Tigard, but City officials do not know for certain if it is a Wal-Mart.</p>	
Study Session – Administrative Items	<p>&gt; Items for Tonight's Business Meeting</p> <ul style="list-style-type: none"> <li>- A revised agenda was distributed with the following changes noted: <ul style="list-style-type: none"> <li>- Added 1.5 – Status Community Attitude Survey and Schedule Meeting – A Special City Council Meeting will be held on April 4, 2006, to discuss the survey.</li> <li>- Added 9 – Discussion of Urban Services Intergovernmental Agreement</li> </ul> </li> <li>- Revised Packet Materials <ul style="list-style-type: none"> <li>- Item 3.5 – Attached is a revised</li> </ul> </li> </ul>	

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	<p>Resolution for the Skate Park Grant Application. The 4<sup>th</sup> "Whereas" clause now reads: "WHEREAS, the City Council selected the City Hall parking lot area as the preferred City-owned site valued at \$195,000; and"</p> <p>&gt; Procedure for City Manager Review – Councilor Sherwood and Councilor Woodruff are reviewing formats and examples for evaluations and will present a proposal to the Mayor and Council. Councilor Harding requested to review all the forms. The City Manager Review is tentatively scheduled for April 25, 2006.</p> <p>&gt; Chamber Shining Stars Banquet RSVP: Mayor Dirksen (2); Councilor Sherwood (1); Councilor Harding (1); Councilor Woodruff (2). Also attending Police Chief Dickinson (1).</p>	
	Study Session concluded at 7:25 p.m.	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council, the Local Contract Review Board, and the City Center Development Agency to Order at 7:30 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, and Woodruff. Council Absent: Wilson</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications &amp; Liaison Reports</p> <p>Councilor Sherwood mentioned we are in the process of redoing the Comprehensive Plan.</p> <p>1.5 Status Report of Community Attitude Survey</p> <p>Councilor Sherwood noted that a firm has been chosen to conduct a Community Attitude Survey, which will be used to find out what people want. The Council will be meeting in the next week to help formulate survey questions.</p>	

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2. Citizen Communication	<p data-bbox="412 264 1057 405">2.1 Tigard High School Student Envoy Krista Foltz gave a report on recent and future activities. A copy of report highlights is on file in the City Recorder's office.</p> <p data-bbox="412 443 1057 1014">2.2 Pam Brown, representing the Tigard Chamber of Commerce noted that their Shining Stars Banquet will be held at Crown Plaza from 6-9 p.m. on April 21. Ms. Brown asked the Council for their support of Oregon Army National Guard's 41<sup>st</sup> Brigade Combat Team, being mobilized for active duty. The American Legion Post 158 and the VFW have given their support. Mayor Dirksen read and presented a Proclamation Adopting the Headquarters and Headquarters Company 41<sup>st</sup> Brigade Combat Team for the purpose of helping to generate local support from Tigard area businesses and citizens for the soldiers and families of this unit. The American Legion gave the City a Blue Star Flag in honor of the 41<sup>st</sup> Brigade.</p> <p data-bbox="412 1052 1057 1409">2.3 City Attorney Ramis cautioned that citizen comments at this point in the meeting are limited to items not on the agenda. He asked that those wishing to address a particular issue hold their comments until the agenda item comes up. If anyone wants to speak on a particular land use issue, their comments to the Council now would be considered ex parte communication and Council has been advised not to speak on those topics.</p> <p data-bbox="467 1446 1057 1869">Sue Bielke, of 11755 SW 114<sup>th</sup> Place, Tigard, OR 97223, spoke about her concern that not enough citizens are involved in the comprehensive plan update or are educated about how to get involved. She said there may not be enough citizen input. Mayor Dirksen pointed out that the members of the Planning Committee are citizens of Tigard. He suggested that people read the Cityscape. Ms. Bielke said she was glad the City is doing a survey. Councilor Sherwood noted that Council has asked for a complete update of the</p>	<p data-bbox="1081 264 1308 300">Report/no action</p> <p data-bbox="1081 443 1446 625">Councilor Harding asked staff to report to the Council whether any City employees have been called to active guard duty.</p> <p data-bbox="1081 663 1438 768">The Blue Star Flag will hang in the window of the City Hall lobby.</p>

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	<p>plan this year. They have just started and there is citizen involvement planned. She said people will hear more about this as the year progresses.</p> <p>Representative Larry Galizio, of 16455 SW 93<sup>rd</sup> Avenue, Tigard, OR 97224, expressed concern about a pre-application submittal for a large retail store. He said he believed this proposed site is for a Wal-Mart but their strategy is not to put their name on the application. He wrote a letter to Wal-Mart's corporate leadership asking for confirmation but has not yet received a reply. He said he has formed a new group, "Tigard First," to seek honest answers and help make informed choices. He urged the City Council to take steps, before this application becomes final, to get more public input. He is very concerned about the impacts on traffic, small businesses, the environment, health care, as well as Tigard's proposed downtown revitalization. He asked the Council to take action now and look at the effects of these big box stores and demand more time for public scrutiny.</p> <p>Councilor Harding agreed that the Council does have responsibilities before them but on the other hand, Measure 37 must be factored in. She asked for his help in the state legislature fixing Measure 37.</p> <p>Mayor Dirksen said development of any kind is worthy of close scrutiny. He said the city has not spoken to Wal-Mart or anyone who is representing Wal-Mart.</p> <p>John Frewing signed up to speak but was not present. Sue Bielke turned in his written comments to the City Attorney. The City Attorney said the issue he signed up for already had a public hearing so his comments received tonight will not be entered into the public record.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
3. Consent Agenda	3.1 Approve Council Minutes for February 14 and 21, 2006	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff to approve the Consent Agenda with the revised Agenda Item 3.5.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen            Yes  Councilor Harding        Yes  Councilor Sherwood      Yes  Councilor Woodruff      Yes</p>
	3.2 Approve City Center Development Agency Minutes from February 21, 2006	Approved
	<p>3.3 Appoint New Members to the Building Appeals Board: Michael Kringlen, Doug Colling, Jeff Jurrens, Eric Watson, Gerald McKee, and Alan Mitchell – Resolution No. 06-12</p> <p>RESOLUTION NO. 06-12 – A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING MICHAEL KRINGLEN, DOUG COLLING, JEFF JURRENS, ERIC WATSON, GERALD MCKEE AND ALAN MITCHELL TO THE TIGARD BUILDING APPEALS BOARD</p>	Approved
	3.4 Approve Library Policies	Approved
	<p>3.5 Approve Submission of a Grant Application to Obtain Matching Funds to Construct the Jim Griffith Memorial Skate Park</p> <p>RESOLUTION NO. 06-13 – A RESOLUTION AUTHORIZING THE SUBMITTAL TO THE OREGON PARK AND RECREATION DEPARTMENT (OPRD) AN APPLICATION FOR STATE FUNDS AVAILABLE THROUGH THE STATE OF OREGON'S LOTTERY LOCAL</p>	Approved

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	GOVERNMENT GRANT PROGRAM AS A MEANS FOR PROVIDING MATCHING FUNDS TO CONSTRUCT THE JIM GRIFFITH MEMORIAL SKATE PARK	
	3.6 Appoint Carol Krager as Deputy City Recorder  RESOLUTION NO. 06-14 – A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING CAROL KRAGER AS DEPUTY CITY RECORDER	Approved
	3.7 Local Contract Review Board a. Award Contract to Morse Brothers, Inc., for the Construction of the Fiscal Year 2005-06 Pavement Major Maintenance Program (PMMP) – Phase 2 b. Award Contract to NW Kodiak Construction for the Construction of Highland Drive Storm Drainage Improvements	Approved
4. Public Hearing - 2006 U.S. Dept. of Justice/ Edward D. Byrne Memorial Justice Assistance Grant (JAG)	PUBLIC HEARING – 2006 US DEPARTMENT OF JUSTICE/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)  Mayor Dirksen opened the public hearing. Police Chief Dickinson reported that the city is eligible to receive \$12,001. Holding a Public Hearing is a condition of accepting these grant funds. The Police Department recommends that the funds be used for cellular air cards which will improve service to all parts of the city, which they are presently experiencing some difficulty reaching, through WCCCA. Additionally, these air cards would enable the department to transmit photos to officers in the field. Councilor Woodruff commented that the biggest expense is the monthly air time. He asked if this grant only pays for the first 12 months. Chief Dickinson said it could, but the city has received this grant every year. He said they could compare what is being paid to WCCCA and the service the city is receiving from them. When asked by Councilor Harding if the grant could be used for anything else, Chief Dickinson said they do have the opportunity to change their minds. He discussed current	Motion by Councilor Woodruff, seconded by Councilor Sherwood to approve the grant application.  The motion was approved by a unanimous vote of Council present.  Mayor Dirksen            Yes Councilor Harding        Yes Councilor Sherwood      Yes Councilor Woodruff      Yes



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	<p>WCCCA upgrade activity.</p> <p>As no one had signed up to speak, Mayor Dirksen asked those present if there was anyone wishing to offer public testimony. There was none. Mayor Dirksen closed the public hearing. Councilor Woodruff advised caution with using grants for on-going obligations.</p>									
5. Further Consideration and Deliberation of a Resolution Adopting Additional Findings and Imposing an Additional Condition for the LUBA Remand of Ash Creek Estates Subdivision	<p>The City Attorney noted that after the Land Use Board of Appeals deliberated this item, staff prepared comments reflecting those findings and an additional condition. The staff recommendation is to approve Resolution 06-15.</p> <p>RESOLUTION NO. 06-15 – A RESOLUTION AND FINAL ORDER SUPPLEMENTING RESOLUTION 06-09 APPROVING THE ASH CREEK ESTATES SUBDIVISION (SUBDIVISION (SUB) 2003-00010/ PLANNED DEVELOPMENT REVIEW (PDR) 2003-00004/ZONE CHANGE (ZON) 2003-00003/SENSITIVE LANDS REVIEW (SLR) 2003-00005/ADJUSTMENT (VAR) 2003-00036/ADJUSTMENT (VAR) 2003-00037) – ON REMAND FROM LUBA; AND ADOPTING ADDITIONAL FINDINGS AND IMPOSING AN ADDITIONAL CONDITION</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood to adopt Resolution No. 06-15.</p> <p>The motion was approved by a 3-1 vote of the Council present</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>No</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	No	Councilor Sherwood	Yes	Councilor Woodruff	Yes
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6. Formation of Sanitary Sewer Reimbursement District No. 36 (SW 93 <sup>rd</sup> Ave.)	<p>Mayor Dirksen opened the public hearing. The City Attorney asked for any declarations or challenges. City Engineer Duenas presented a report on formation of this sewer reimbursement district. He noted that this will be constructed this summer. The updated budget estimate is \$506,305. Two lots are too deep to be served by this line. In response to a question from Councilor Harding, City Engineer Duenas advised the budget estimate was based on the soils report and engineering fees have been added.</p> <p>Councilor Sherwood asked about two lots unable to be served by this line. Mr. Duenas said one could gain access to sewer from another street. He notified the other property owner but did not receive a</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff to adopt Resolution No. 06-16.</p> <p>The motion was approved by a unanimous vote of the Council present</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
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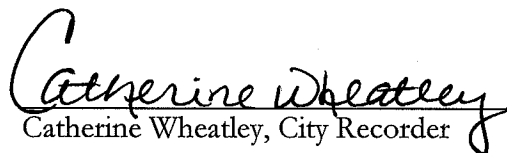
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	<p>response.</p> <p>Councilor Woodruff asked if any property owners of this proposed district were in attendance and several people stood. He asked Mr. Duenas to make sure we let them know what the next step is and keep them informed.</p> <p>Larry Caufield, 9145 SW Mountain View Lane, Tigard, asked how long construction would take. Mr. Duenas replied that it would take 45 days after the bid is awarded and the pre-construction meeting takes place. Mr. Caufield asked what the amount of the contingency was. Mr. Duenas said there was 15% for contingencies and 13 ½% was added for administration and engineering fees.</p> <p>There being no further public testimony, Mayor Dirksen closed the Public Hearing.</p> <p>RESOLUTION NO. 06-16 – A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 36 (SW 93<sup>RD</sup> AVENUE)</p>									
7. Express Support to Include Certain Key Projects in the 2008-2011 State Transportation Improvement Program (STIP)	<p>City Engineer Duenas gave a PowerPoint presentation on ODOT's STIP (State Transportation Improvement Program) project categories and list of projects. He highlighted those projects listed that will benefit Tigard:</p> <ul style="list-style-type: none"><li>• I-5 SB/I-205 merge acceleration lane</li><li>• I-5 Wilsonville interchange</li><li>• Hall Blvd. paving (the section from Scholls Ferry to Durham Road especially)</li><li>• Hwy 99 railroad bridge (current bridge is not designed for overweight loads and does not meet seismic requirements). The city can get involved in the design especially pier spacing and the potential for aesthetic improvement)</li></ul> <p>Councilor Harding noted that we have received support from other jurisdictions for ODOT projects that benefit Tigard.</p>	<p>Councilor Sherwood motioned to approve Resolution No. 06-17 and Councilor Harding seconded the motion.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
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	<p>RESOLUTION NO. 06-17 – A RESOLUTION PROVIDING CITY COUNCIL INPUT INTO THE DRAFT 2008-2011 STIP (STATE TRANSPORTATION IMPROVEMENT PROGRAM) AND EXPRESSING STRONG SUPPORT FOR INCLUSION OF CERTAIN KEY PROJECTS IN THE FINAL STIP</p>	
<p>8. Presentation on the City's Participation in the Healthy Streams Plan</p>	<p>Surface Water Quality/Volunteer Coordinator Staedter gave a PowerPoint presentation on Tigard's participation in the Healthy Streams Plan. She discussed the City's targeted goals relating to tree planting, outfalls and culverts. Benefits of healthy stream practices in the Tigard area include improved fish habitat and passage, stream structure stabilization, erosion control, and stream bank protection. She reported that 125 community volunteers planted 1,250 trees on March 4, 2006.</p> <p>She wanted to alert the Council to a future item for the next business meeting. There will be consideration of an Intergovernmental Agreement with Clean Water Services for a large restoration on Fanno Creek. Councilor Woodruff thanked her for the report and for her passion about taking care of the environment.</p> <p>Mayor Dirksen also expressed his appreciation and said it was a tribute to the community that such a large number of citizen volunteers came out to plant trees this winter.</p>	
<p>9. Consider Action to Terminate the Urban Services Intergovernmental Agreement with Washington Co.</p>	<p>Interim Community Development Director Coffee gave historical background on the Intergovernmental Agreement between Washington County and Tigard that allowed Tigard to provide development review, building inspection services and road maintenance to the unincorporated area of Bull Mountain. Properties have been annexed, mostly contiguous with Tigard, but a few were not contiguous. Some projects have been controversial.</p> <p>At the time the IGA was drawn up, Washington County acknowledged that accessibility to services in Tigard would be closer for this area than</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood to direct staff to notify Washington County that the Tigard City Council wishes to terminate the existing Urban Services Intergovernmental Agreement and to work with Washington County officials to determine if modifications could be made for terms of a new</p>

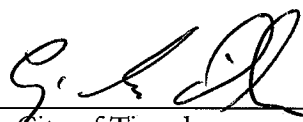
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	<p>Washington County, which is located in Hillsboro. Washington County also assumed that this area, located in the urban growth boundary, should eventually annex to Tigard and the County would not oppose this annexation. At this time, most developable land is developed and most lots are subdivided.</p> <p>Washington County discussed terminating or amending this agreement at their workshop meeting, attended by City Manager Prosser and Interim Community Development Director Coffee, who delivered a draft letter from Mayor Dirksen. The County will be making a decision tonight on this matter as 90-day's notice must be given to terminate and the agreement ends or is extended in July.</p> <p>City Manager Prosser referred to a letter written to Washington County by the Friends of Bull Mountain, dated February 24, 2006. A copy was not sent to the City but Washington County provided one to the City Manager. He said this letter contained several points that are factually incorrect and he clarified those points below.</p> <p>The letter indicated that Tigard withheld building and occupancy permits - it did not. There was one instance where an occupancy permit was withheld. for Alberta Rider School because the project manager needed to obtain building permits. He said the letter stated that Tigard collected System Development Charges and didn't account for them. He said that is absolutely incorrect. Concerns were expressed in the letter that Tigard collected traffic impact fees (TIF's) and used them to make improvements within the City. In fact, the City has done that (with the approval of the County) on those roads that serve Bull Mountain and help residents access their residential areas and travel to areas within the City. Accounting for these funds was provided to the Friends of Bull Mountains numerous times.</p> <p>The letter stated that Tigard disregarded the requirements of the Bull Mountain Community Plan. City Manager Prosser said if you look at the development pattern on Bull Mountain you will see</p>	<p>agreement.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
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	<p>that it has developed as provided in the plan. High density areas are located on the lower part of the mountain and less density on the upper part. He said they are concerned that the City has not provided parks. This is part of a larger issue and as Council is aware, the City has developed a list of properties it is pursuing.</p> <p>He said the Friends stated that termination of the IGA would prevent future annexations. That is incorrect. As property owners continue to come to the City and voluntarily request annexation, it will continue to process those requests. He said this IGA has no effect on annexation.</p> <p>The Washington County Commissioners' meeting tonight was attended by Assistant to the City Manager Newton. She reported the County had voted to provide written notice of termination of the Urban Services Intergovernmental Agreement to the City of Tigard, effective July 1, 2006; and that the County desires to enter into negotiations with the City about a possible modified agreement.</p> <p>Ms. Newton said the Commissioners focused on the positive partnerships between Tigard and Washington County and that this did not imply any criticism of the City of Tigard.</p> <p>Councilor Harding expressed concerns about the process used to reach the agreement to terminate. She would have liked all parties concerned to meet on this at the same time.</p> <p>Councilor Sherwood said the City needs to focus on our Comprehensive Plan and urban renewal; things going on in our own city.</p> <p>Councilor Harding said she would like to see Tigard be the best it can be, living within its boundaries. She noted the amount of conflict brought forth by this issue and unincorporated area residents are now able to take their issues to the County.</p> <p>Councilors Woodruff and Harding asked if Tigard would be eliminating positions now that it is not</p>	

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	collecting SDC's from Bull Mountain. City Manager Prosser said two new positions for plan review and inspection had been added to the proposed budget. They will be removed. However, if the agreement is delayed, these positions may be filled temporarily. Once City staff hears from the County, staff will return to the City Council for additional direction.	
	Meeting adjourned at 9:40 p.m.	<p>Motion by Councilor Sherwood, seconded by Councilor Harding, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen        Yes  Councilor Harding    Yes  Councilor Sherwood   Yes  Councilor Woodruff    Yes</p>

  
Catherine Wheatley, City Recorder

Attest:

  
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Mayor, City of Tigard

Date: 5.9.06

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